

## **REMARKS/ARGUMENTS**

The Office Action dated June 11, 2008, has been carefully considered. Claims 1-10 are pending in the present application with claim 1 being in independent form. By the present amendment claim 5 has been amended in order to clarify the features of the present application.

The Examiner objects to the specification and argues that the meaning of the term "diversity hand-over state" is unclear. Applicants respectfully disagree.

It is unclear why the Examiner would be confused by this phrase since it is used repeatedly in the specification. For example, at paragraph [0003] of page 1, the present specification discusses that in a CDMA mobile communication system, mobile stations often have a function of diversity hand-over for transmitting and receiving the same signal to and from a plurality of radio base stations in order to maintain good communication quality for voice calls, packet communication, and the like. Figure 1 is a diagram which illustrates a situation in which diversity hand-over communication takes place in a conventional CDMA mobile communication system. This figure is described, for example, in paragraph [0004] of page 2 of the present application. Briefly, as can be seen in Figure 1, the system generally includes packet node 91, a base station controller 92, individual radio base stations 93 and 94, and a mobile station 95. The mobile station 95 is conducting communications and undergoes diversity hand-over using the radio base station 93 and the radio base station 94. For example, considering a downlink signal from the base station to the mobile station, mobile station 95 will receive both a signal from the radio base station 93 and the radio base station 94, the base station 95 combines these signals to maintain good communication quality. A diversity hand-over state merely refers to a state in which diversity hand-over communication is taking place. Thus, it is believed that the meaning of this term is clear in light of the specification.

Accordingly, Applicants respectfully request that the objection to the specification be reconsidered and withdrawn.

Claim 5 has been objected to based on informalities. In particular, the Examiner points out that claim 5 recites "the radio base station apparatus according to claim 5". Claim 5 has been amended herein in order to correct this minor error.

Claims 1, 8, and 10, have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Reconsider of this rejection is respectfully requested.

The Examiner contends that the meaning of the term “a diversity hand-over state” is unclear as used in the claims. As is noted above, diversity hand-over communication is described in detail in the specification. Thus, it is believed that the meaning of the term “diversity hand-over state” as used in the claims is clear in light of the specification.

Accordingly, it is requested that the rejection of claims 1, 8, and 10 be reconsidered and withdrawn.

Claims 1-3, 6 and 9, have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Publication Number 2002/0183039 to Padgett, et al. (hereinafter “Padgett”). Reconsideration of this rejection is respectfully requested.

The Examiner contends that Padgett substantially discloses all of the features of claim 1, for example, of the present application. Applicants respectfully disagree.

Claim 1 of the present application relates to a radio communication system having a diversity hand-over function, a radio base station apparatus for transmitting/receiving signals to/from a mobile station over the air, the radio station apparatus including a shared resource unit having a processing device as shared resources for processing a signal of each call and a buffer unit for sending a received signal to said processing device of said shared resource unit when the received signal is a signal of a call which is in a diversity handover state such that the received signal can be transmitted at a predetermined timing and for holding a received signal in a data buffer when the received signal is not a signal of a call which is in the diversity hand-over state and for subsequently sending the received signal to the processing device at a timing at which the processing device becomes available.

Padgett, as understood by Applicants, relates to a wireless communication network and, in particular, to systems and methods for adapting the capacity or maximum through-put of a wireless network based on a load on the network. Padgett discloses a resource allocation module 250 that may govern the manner in which air-time is allocated. The Padgett reference also discloses a queue management module 240. The module 240 may be provided with a set maximum number of granted requests awaiting service which is referred to as queue max. If the queue is not full, the control algorithm grants request and the request can be added to the end of the queue. If the queue is full, the queue management module 240 determines a cost associated with providing the service requested

and compares this cost with the cost associated with each of the messages already in the queue. If at least one of the queued requests has a higher cost than a newly rendered request, the higher cost request may be removed from the queue and a new request may be added to the end of the queue.

However, Padgett fails to disclose a communication system including a buffer unit for sending a received signal to a processing device, when a received signal is a signal of a call which is in a diversity hand-over state...and for holding a received signal in a data buffer when the received signal is not a signal of a call which is in a diversity hand-over state, as is required by claim 1 of the present application, for example. Padgett makes no mention whatsoever of any sort of diversity hand-over communication of a diversity hand-over state. While the asset allocation unit of Padgett allocates air-time, this allocation is not does based on whether or not a received signal is that of a call which is in a diversity hand-over state, as is required by claim 1 of the present application.

Similarly, while there is a queue management module in Padgett, there is no discussion therein of sending data from the queue for processing when the data is part of a signal of a call which is in a diversity hand-over state, and holding the received signal in the data buffer when the received signal is not that of a call in a diversity hand-over state, as is further required by claim 1 of the present application. In contrast, in Padgett, when the queue management model 240 is included, all granted requests are entered into the queue, and reordering of those requests is based purely on the cost of granting the request. Whether or not the request is related to a call that is in diversity hand-over state is irrelevant.

Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, are patentable over the cited art for at least the reasons described above.

Claims 4, 5, 7, 8, and 10, have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Padgett in view of U.S. Patent Publication 2007/0047538 to Rosner, et al. (hereinafter "Rosner"). Reconsideration of this rejection is respectfully requested.

Claims 4, 5, 7, 8, and 10, depend indirectly from claim 1. As is noted above, it is believed that claim 1 is patentable over Padgett for at least the reasons described above. Further, it is respectfully submitted that claim 1 is also patentable over the combination of Padgett and Rosner, since Padgett and Rosner, either alone or in combination, fail to show or suggest the patentable features of claim 1 described above.

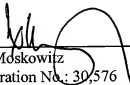
Accordingly it is respectfully submitted that claim 1, and the claims depending therefrom, including claims 4, 5, 7, 8, and 10, are patentable over the cited art for at least the reasons described above.

In light of the remarks and amendments made herein it is respectfully submitted that claims 1-10 are patentable over the cited art and are in condition for allowance.

Favorable reconsideration of the present application is respectfully requested.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING  
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